



Comments re: US EPA  
November 2, 2021 Specific  
Objection to draft Euclid  
NPDES permit

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JUNE 8, 2022

# Overview

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## Euclid History and Background

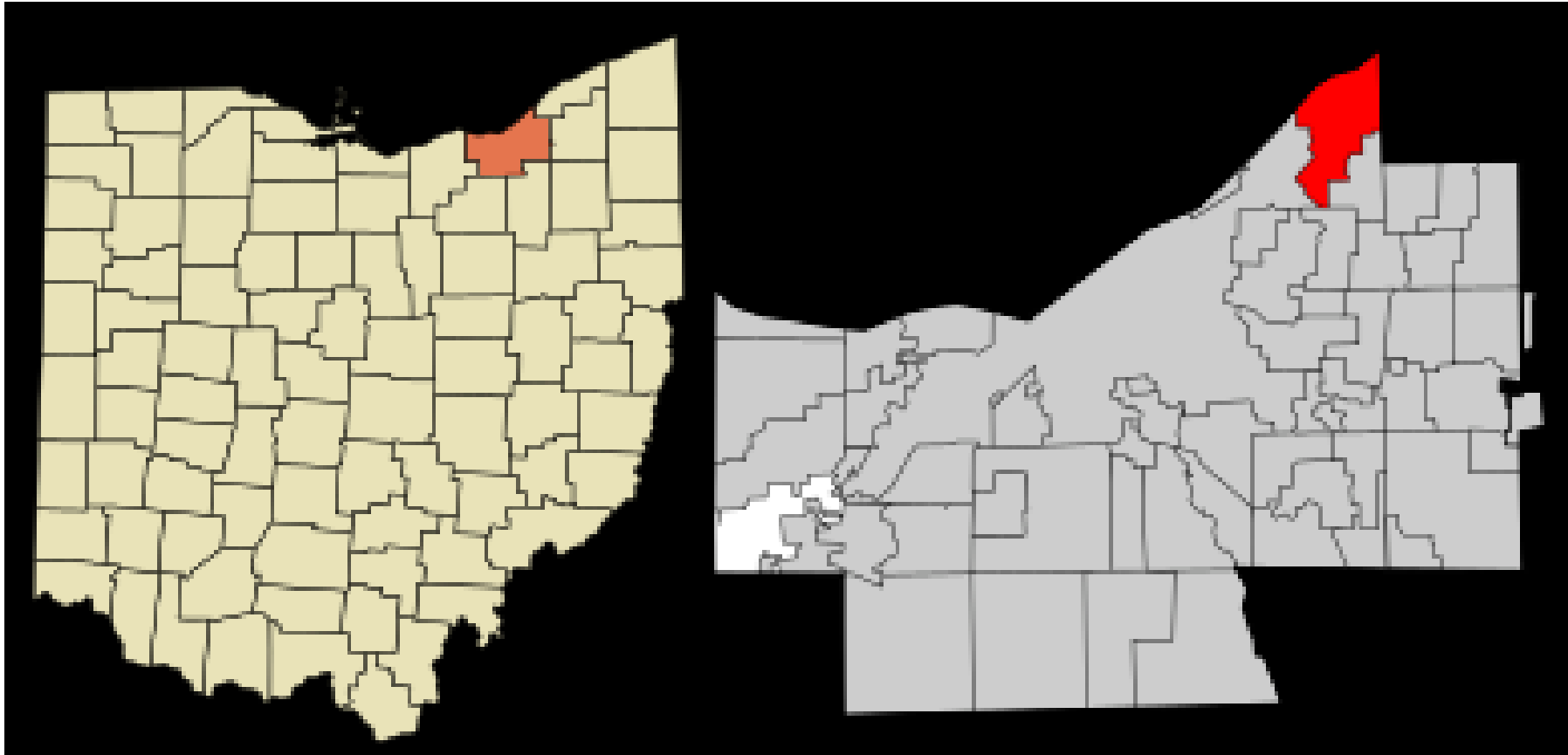
- Euclid is an economically disadvantaged Environmental Justice community
- Euclid is “The Lakefront City”: Embracing our Water Resources
- Progress and the burden under the federal wet weather Consent Decree
- Municipal Integrated Planning: prioritizing water quality improvement with infrastructure renewal

## Comments re US EPA Specific Objection analysis

# Euclid, Ohio

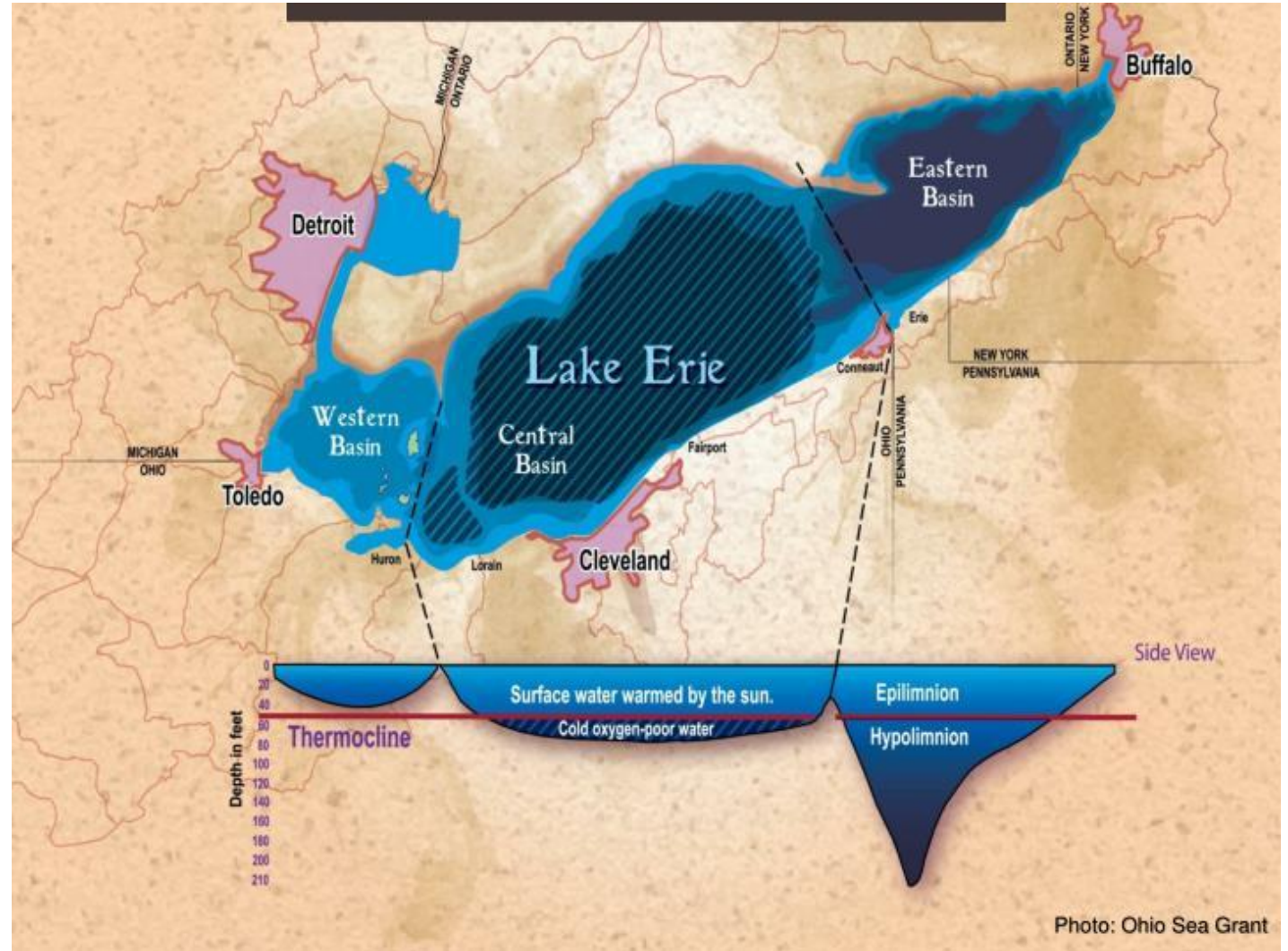
Inner-Ring Suburb immediately east of Cleveland

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# Lake Erie is complex

Euclid is located on the shore of Lake Erie's Central Basin, which receives the vast majority of its flow from the Western Basin.





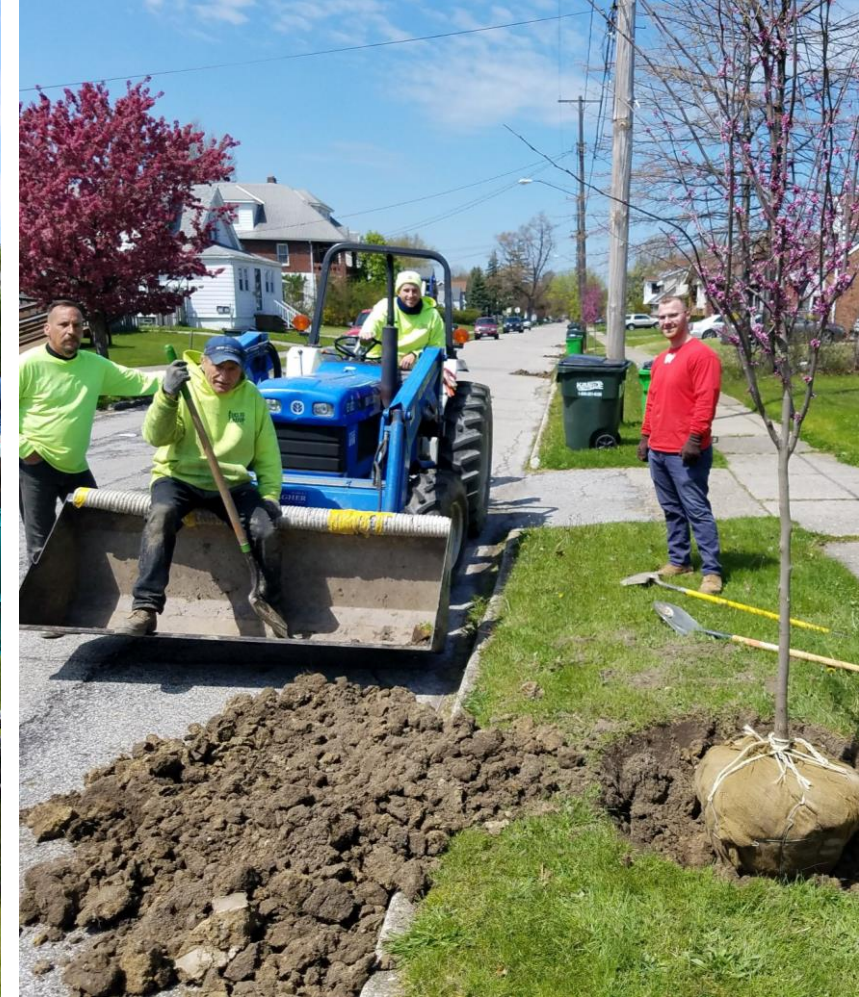


# Keep Euclid Beautiful Big Clean

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# Socio-Economic Challenges

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Euclid population and owner occupancy remain in decline

Percent of Euclid residents living in poverty is increasing

Median Household Income falling sharply behind

Euclid is a majority-minority, economically disadvantaged community struggling to innovate for a thriving 21<sup>st</sup> century.

*Euclid is an Environmental Justice community that cannot afford US EPA imposing unattainable burdens.*





<https://www.cityofeuclid.com/euclid-waterfront-improvements-plan>

# Euclid creates model lakefront

News

**Euclid, Cuyahoga County celebrate first piece of innovative lakefront trail and look ahead to bigger projects**

Published: Aug. 29, 2020, 7:15 a.m.



Cuyahoga County Executive Armond Budish toured the completed section of the City of Euclid's new lakefront trail last week with Mayor Kirsten Holzheimer Gail. Steven Litt, Cleveland.com

  490 shares

By Steven Litt, [cleveland.com](https://www.cleveland.com)

EUCLID, Ohio — Mayor Kirsten Holzheimer Gail took a hot, breezy walk on the completed first part of the city's [lakefront trail](https://www.cleveland.com/news/2020/08/euclid-cuyahoga-county-celebrate-first-piece-of-innovative-lakefront-trail-and-look-ahead-to-bigger-projects.html) Thursday afternoon with Cuyahoga County officials to thank them for picking up a big part of the tab for the innovative project.

<https://www.cleveland.com/news/2020/08/euclid-cuyahoga-county-celebrate-first-piece-of-innovative-lakefront-trail-and-look-ahead-to-bigger-projects.html>



Sims Park, Euclid Ohio



# Consent Decree Summary

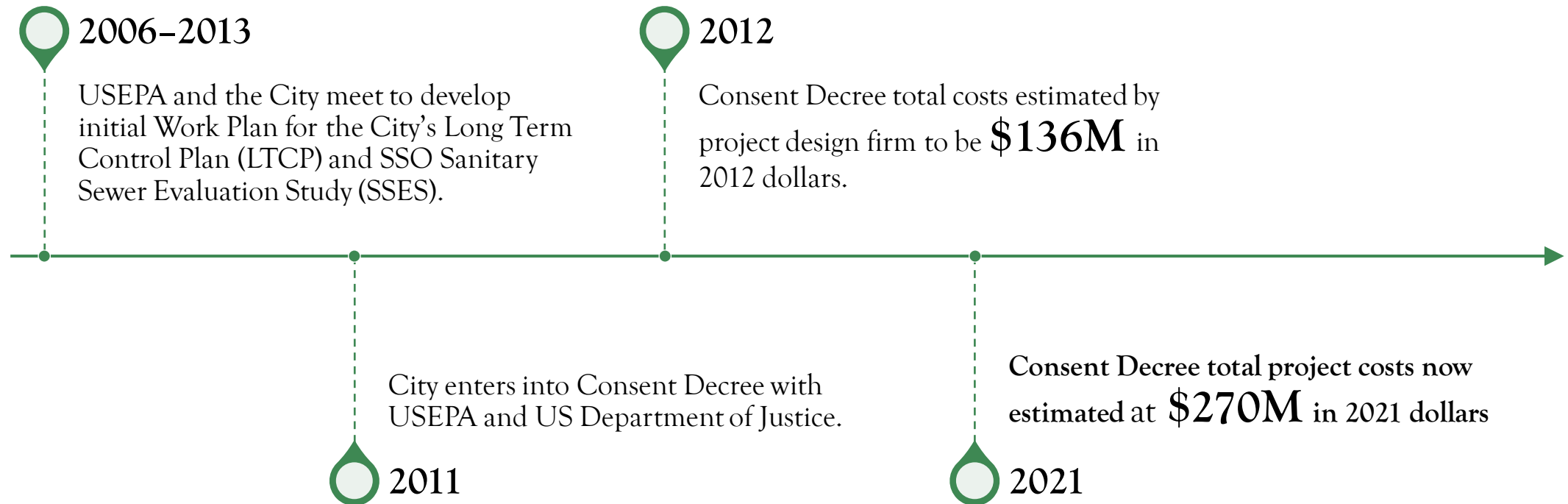
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Successful conversion from a high rate activated sludge plant to the largest hollow fiber membrane plant in North America.

Striving to maximize available infrastructure to keep project costs down, including leveraging optimized system modeling to right-size projects.

Municipal Integrated Planning to extend Green Infrastructure, maximize cost-effective infrastructure renewal and minimize residential disruption.

# History of Consent Decree





# Consent Decree Success

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12 SSO elimination projects	complete
Edgecliff 1 overflow sewer project	complete
Edgecliff 2 point repair sewer project	complete
Headworks A site prep project	complete
Headworks B and EQ Tank project	99% complete
MBR Conversion project	99% complete

# Euclid WWTP

Every square inch of plant is in use

Note close proximity of  
neighboring residences





# Why Membranes for Euclid's plant?

City Council approved the costlier membrane technology to eliminate the need for property acquisition and achieve superior performance

Much more expensive, but smaller footprint, MBR process utilizes existing tanks

Increase in pollutant percent removals over the previous activated sludge plant technology

- E.g., if this MBR plant had been in operation in 2014, it would have removed more than a metric ton of phosphorous that did discharge that year.

High quality treatment process allows portion of membrane effluent to be recycled for use at the Lakeland Solids Handling Facility reducing potable water consumption



# Water quality improvement at great cost

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Consent Decree projects have disrupted downtown Euclid and the surrounding neighborhoods for many years

MBR facility moving to full commissioning and shakedown after completion of plant.

Hydraulic model is being updated with current flow monitoring data to support CWA Integrated Planning.

Preliminary work being done to identify possible green opportunities as part of Integrated Plan.

**Consent Decree is estimated to cost almost double the 2012 estimate for all projects.**

- 2012 estimated program costs: \$136 million
- 2022 estimated program costs: **\$270 million+**
- This is an extremely high burden for Euclid's residents in poverty
- Euclid has no economic capacity and no plant space to add new phosphorous technology, even if such technology existed.



# Factual Concerns

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US EPA's permit approach is wanting in many respects:

- Completely ignores relevant facts and context about Euclid already known by US EPA
- Ignores Ohio's comprehensive approach and sound Reasonable Potential analysis
- .007 mg/L level is an absurd impossibility: no technology, no footprint to install and no funding
- Inland lakes guidance and model improperly applied
- US EPA must account for Ohio EPA 2022 Integrated Report
  - Alleged impairment of drinking water levels for microcystin date from 2017, nearly timed out of the 5-year window as Central Basin trends towards compliance
  - Same report in Appendix F states that in the Central Basin, "Microcystis generally originates from the western basin."

**The facts show that Euclid is not the cause or the solution to limited impairment in the Central Basin.**

# Legal Concerns

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## The Specific Objection:

- Attempts to compel Ohio EPA to violate Ohio regulation
- Absurd limit creates perpetual uncertainty for compliance, which is essence of arbitrariness
- Violates Congressional intent for:
  - Properly deferring to Ohio as delegated state;
  - Failing to allow Maumee TMDL and any future TMDL to chart course;
  - Obliterating Euclid's Clean Water Act Integrated Planning prioritization.
- Elevates a bureaucratic preference by misuse of new guidance over statutory intent, promulgated regulation, specific approved CWA local plans and real -world facts.

## Environmental Justice

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# Learn About Environmental Justice

**Environmental justice (EJ)** is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

**Fair treatment** means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

**Meaningful involvement** means:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public's contribution can influence the regulatory agency's decision;
- Community concerns will be considered in the decision making process; and
- Decision makers will seek out and facilitate the involvement of those potentially affected.



*President Clinton signing the EJ Executive Order in 1994.*



# Environmental Justice Denied

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- The public's contribution can influence the regulatory agency's decision;
- Community concerns will be considered in the decision making process; and
- Decision makers will seek out and facilitate the involvement of those potentially affected.

US EPA has ignored ALL four of these aspects of ‘meaningful involvement’ of the people of the City of Euclid.

# Conclusion

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Euclid does not have the financial capability or the plant space to make any additional changes, and certainly not those that will have no demonstrated environmental benefit.

Euclid's steady progress for real water quality improvement can not be arbitrarily usurped to achieve a paper victory with no environmental benefit.

Environmental justice demands that, for such a momentous policy shift US EPA as proposes, this community be heard and its priorities, already being implemented at great sacrifice, have meaningful impact on agency decision-making.

**US EPA's Specific Objection to Euclid's NPDES permit should be withdrawn.**